

LOWER COLUMBIA COLLEGE

INTERNET USE POLICY

1. Computer and network use at Lower Columbia College must be consistent with the mission, policies, and procedures of the college and applicable federal, state, and local laws and regulations. The primary use of the College computers and networking facilities are for educational and research purposes.
2. Users must respect the rights and property of others. Users must not improperly access or attempt to access, misuse, send, or misappropriate information or files. Unauthorized access to systems, software, or data is prohibited.
3. Lower Columbia College computers and network facilities must not be used for commercial purposes or private gain.
4. Lower Columbia College computers and network facilities must not be used to transmit or solicit the transmission of any communication in any form where the content and/or meaning of the message transmitted or distributed would violate any applicable law or regulation.
5. Users of Lower Columbia College computers and network facilities must promote efficient use of the networks. Users must minimize and avoid unnecessary network traffic which may interfere with or negatively affect the work of other users of the College network or connected networks. Uses that significantly interfere with the ability of others to make effective use of the network or which disrupt the College network or any connected networks, systems, services, or equipment are prohibited.
6. Interpretation, application, and modification of this policy will be at the sole discretion of Lower Columbia College and the Executive Ethics Board. Violations may result in loss of computer and network use privileges and other penalties as applicable under College policies, its "Ethics Handbook," WAC292-110-010, and other relevant federal, state, and local laws and regulations.
7. Lower Columbia College Information Services staff may monitor user activities or examine files, records, messages, or passwords when there is a system or network problem requiring maintenance or corrective action, or when a user requests technical support assistance with a problem which may involve those records. Such examination may reveal prior misuse of computers. Information Services staff are authorized to conduct monitoring or examination of user records

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for the purpose of seeking evidence of user violations of either College policies or state or federal law.

8. If monitoring reveals possible evidence of violations of these procedures or criminal activity, Information Services staff may provide the evidence of such monitoring to law enforcement officials, the state auditor's office, or Lower Columbia College administration. *(Board does not have authority over this issue).*
9. Lower Columbia College makes no warranty of any kind, expressed or implied, regarding computer resources or services, or the contents of resources or electronic messages over the College campus network or connected networks. College will not be liable in any event for incidental or consequential damages, direct or indirect, resulting from the use of the College campus network or network services.
10. It is important that members of the College community be aware of the intellectual rights involved in the unauthorized use and copying of computer software. The EDUCOM Code states:

"Respect for the intellectual labor and creativity is vital to academic discourse and enterprise. This principle applies to all works of all authors and publishers in all media. It encompasses respect for the right to acknowledgment, right to privacy, and the right to determine the form, manner, and terms of publications and distribution. Because electronic information is volatile and easily reproduced, respect for the work and personal expression of others is especially critical in computer environments. Violations of authorial integrity, including plagiarism, invasion of privacy, unauthorized access, and trade secret and copyright violations, may be grounds for sanctions against members of the academic community."

11. The following paragraphs are intended to provide examples of frequently asked questions concerning use of state resources. The document was distributed by the Washington State Executive Ethics Board in November 2002.

Use of State Resources – Frequently Asked Questions and Examples

These frequently asked questions are intended to provide examples of how the Board would interpret and apply RCW 42.52.160, RCW 42.52.180 and WAC 292-110-010 to common occurrences in the state workplace.

Question 1: Are there general guidelines for the use of state resources?

Answer: Yes. All state officers and employees have a duty to ensure the proper stewardship of state resources, including funds, facilities, tools, property,

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employees and their time. Accordingly, the Ethics in Public Service Act states that resources under your official control may not be used for the private benefit or gain of a state officer, state employee, or another person. (See and RCW 42.52.160 (1))

Question 2: What types of state resources are covered under the ethics law?

Answer: The guidelines on use of state resources apply to all resources **under an employee's control** including, but not limited to, facilities of an agency, state employees, computers, equipment, vehicles, and consumable resources. State resources also include state information, e.g., databases, employee lists. (See RCW 42.52.160 (1) and RCW 42.52.180 (1))

Question 3: What exactly is a "private benefit or gain"?

Answer: A private benefit or gain can range from avoiding a cost or expense by the use to using resources to support your outside business or paying a discounted government rate for a personal phone call. There are some uses that do not appear to have a cost but may result in private benefit or gain. For example, it may not cost a significant amount of money to use a state computer to access the Internet. Nevertheless, by making a personal use of a resource available to you only because you are a state employee, you are receiving a private benefit or gain.

Question 4: I've heard that de minimis use is allowed. What is a *de minimis* use anyway?

Answer: A de minimis use is an infrequent or occasional use that results in little or no actual cost to the state. An occasional brief local phone call to make a medical or dental appointment is an allowable de minimis use of state resources. The cost of a brief phone call is negligible and is not likely to interfere with your job. The following examples address "de minimis" use: (See WAC 292-100-010(3))

Example A: An employee makes a telephone call or sends an e-mail message to his/her children to make sure that they have arrived home safely from school. This is not an ethical violation. So long as the call or e-mail is brief in duration, there is little or no cost to the state, i.e., your SCAN code is not used, and sending a brief message does not interfere with the performance of official duties.

Example B: An employee uses his/her agency computer to send electronic mail to another employee wishing them a happy birthday. This is not an ethical violation. The personal message is brief and does not interfere with the performance of official duties.

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Example C: Every spring a group of employees meets during lunch to organize and agency softball team. The meeting is held in a conference room that is not needed for agency business during the lunch hour. This is not an ethical violation. There is little or no cost to the state, the meeting does not interfere with the performance of official duties, and off site recreational activities such as softball teams can improve organizational effectiveness.

Question 5: What does "promoting organizational effectiveness" really mean?

Answer: Organizational effectiveness relates to an agency's mission and encompasses activities that enhance or augment the agency's ability to perform its mission. The Board recognizes that state agencies may allow employees to participate in activities that are not official state duties but promotes organizational effectiveness by supporting a collegial work environment. The Board believes that so long as the employees who participate in the activity limit their use of state resources, then these activities would not undermine public confidence in state government. In addition, The Ethics Act normally prohibits the use of state resources to support outside organizations or groups, including charities, unless the support is part of the agency's official duties. The Board's rule allows agency heads to approve a limited use of state resources for activity that promotes organizational even if that activity may incidentally support a private organization. Agency heads are cautioned, however, that activity allowed under this rule may not involve a state agency's endorsement or promotion of a commercial activity such as advertising or selling products. The following examples address "promoting organizational effectiveness." (See WAC 292-100-010(3) and (6).

Example: A: An agency determines that an agency wide retirement lunch will enhance organizational effectiveness. The retirement lunch will last a half hour longer than the normal one hour lunch break. An employee uses his or her office computer to compose a flyer about the lunch, send a few reminder e-mails, and collect for a retirement present. This is not an ethical violation. The use supports organizational effectiveness and was approved by the agency. Since most of the activity takes place outside of normal working hours, it will not interfere with the performance of each employee's official duties. In addition, the employees use of the office computer and printer will result in little or no cost to the state.

Example B: An agency uses state paid time and agency resources to internally distribute flyers or discount coupons to all agency employees that promote a commercial organization, such as a local amusement park or private life insurance provider, or promote a specific event, such as a state employee appreciation day at a sporting event. This is an ethical violation. While attending the sporting event or going to an amusement park may improve employee morale, the underlying purpose of the distribution is to support a private commercial organization or product. The use of state resources to endorse or support a private commercial activity or to

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promote the sale of a private commercial product undermines public confidence in state government.

Question 6: Are there any uses of state resources that are prohibited?

Answer: Yes. The allowance for de minimis use does not apply to the following uses: conducting an outside business; political or campaign activities; commercial uses like advertising or selling product; lobbying that is unrelated to official duties; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities. The following examples address prohibited uses. (See WAC 292-100-010(6))

Example A: An employee operates an outside business. She makes an outside business call on her state telephone. The call is local. This is an ethical violation. The employee is conducting a private business on state time using state resources, which is prohibited under WAS 292-110-010(6).

Example B: An employee puts a state telephone number or work address on business cards or letterhead for his/her outside business. Several customers contact the employee at the office number to conduct the outside business. This is an ethical violation. Although the use of the telephone may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

Example C: After working hours, an employee uses the office computer and printer to prepare client billings for a private business using his/her own paper. This is an ethical violation. Although use of the office computer and printer may result in a negligible cost to the state, conducting a private business is an illegal use of state resources.

Example D: One night an employee takes an agency owned video player home to watch videos of his/her family vacation. This is an ethical violation. Although there is little or no cost to the state, an employee may not make private use of state equipment removed from state facilities or other official duty station.

Example E: An employee is assigned to do temporary work in another city away from his/her usual duty station. To perform official duties the employee takes an agency laptop computer. While away, the employee uses the computer to do tax work for a private client. This is an ethical violation. Although use of the laptop may result in a negligible cost to the state, conducting a private business is an inappropriate use of state resources.

Question 7: Can I play games on my computer during lunch and break times?

Answer: Generally No. When employees download games or load interactive games onto state owned computers, the game play often involves several state employees or can undermine the security of state information and databases. In addition, the computer at your workstation remains a state resource regardless of

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whether you are working or on a break. Nevertheless, subject to your agency's prior approval a brief and occasional personal use, during lunch or break times, of a game that was preloaded by the manufacturer on your state computer would be allowed under the de minimis rule. (See WAC 292-100-010(3))

Question 8: If I use a state resource, can't I just reimburse my agency for the use?

Answer: No Reimbursing for a personal use may result in a personal benefit and may impose significant administrative burdens on the state. For example, the price of a SCAN call is less than you would pay using your local telephone company. Reimbursing also creates the misperception that personal use is ok as long as we pay for it. Personal use should be the exception not the rule. (See WAC 292-100-010(7))

E-Mail and Internet Use

Question 9: Can I send a personal e-mail message without violating the ethics law?

Answer: Yes. The general ethics standard is that any use of a state resource other than for official state business purposes needs to be brief in duration and frequency to ensure there is little or no cost to the state and the use does not interfere with the performance of official duties. Extensive personal use of state provided email is not permitted.

Are email or voice messages private?

No. If you use state equipment do not expect a right to privacy for any of your email or voicemail communications. Email and voicemail may be considered public records and could be subject to disclosure.

Are there any restrictions on email?

Yes. Email cannot be for any of the following uses: Conducting an outside business; political or campaign activities; commercial uses like advertising or selling products; solicitation on behalf of other persons unless approved by the agency head; and illegal or inappropriate activities, such as harassment. In addition, broadly distributing or chain-mailing an email that is not related to official business is prohibited because it disrupts other state employees and obligates them to make a personal use of state resources.

What are the guidelines on Internet use?

Just like the guidelines for email, any personal use of state provided Internet access must be both brief and infrequent. Extensive personal use of state provided Internet access is not permitted. FAQ's and policies are subject to revision by the Executive Ethics Board.

Additional questions and examples are available at the site below:

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The Washington State Executive Ethics Board maintains a website with extensive questions and examples at <http://www.wa.gov/ethics>
The Board's email address is ethics@ag.wa.gov.

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